



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF JUNE 12, 2014**

CALL TO ORDER: Chairperson Pentaleri called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Pentaleri, Commissioners Bonaccorsi, Dorsey, Jones, Leung, Reed

ABSENT: Karipineni

STAFF PRESENT: Kristie Wheeler, Planning Manager
Wayne Morris, Principal Planner
Prasanna Rasiah, Deputy City Attorney
Wayland Li, Associate Planner
Bill Roth, Associate Planner
David Wage, Associate Planner
Alice Malotte, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician

APPROVAL OF MINUTES: Regular Meeting Minutes of April 24 and May 8, 2014, were approved as submitted.

DISCLOSURES: **Commissioner Reed** drove by the sites of Items 4 and 5 and held conversation with developer of Item 4.
Commissioner Dorsey texted with Nina Moore about Item 4.
Vice Chairperson Jones drove by the sites of Items 4 and 6.
Commissioner Leung drove by the site of Item 1.
Commissioner Bonaccorsi exchanged emails with representative of Robson Homes regarding Item 4.
Chairperson Pentaleri spoke with Item 4 applicant.

CONSENT CALENDAR

THE CONSENT CALENDAR CONSISTED OF ITEM NUMBER(S) 4.

IT WAS MOVED (BONACCORSI/LEUNG) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION ON ITEM NUMBER(S) 4.

- Item 4. **STEVENSON BOULEVARD PRIVATE PARCEL - (PLN2014-00194)** - To consider a General Plan Amendment to change the land use designation of a 1.98-acre parcel from General Commercial to Medium Density Residential and a Rezoning from Planned District P-79-13 to Preliminary Planned District, P-2014-194; and to consider a Mitigated Negative Declaration prepared for the project in accordance with the requirements of the California Environmental Quality Act (CEQA).

Notes and Corrections

Staff requests that the following corrections be included in the **Staff Report**: The following text is added to packet page 179, as a new paragraph under “Public Notice and Comment”:

On June 9, 2014, staff received a comment letter from Caltrans regarding the Mitigated Negative Declaration. The Caltrans comment letter and City response are attached to the Gold Sheet.

Staff requests that the following corrections be included in the **Conditions of Approval**:

Exhibit “D” Findings and Conditions of Approval for PLN-2014-00194 is modified as follows:

Conditions of Approval: The following revision to packet page number 189, General Plan Amendment finding No. 1 reflects a recent change to the FMC:

1. ~~The General Plan Amendment conforms with and contains the requirements provided for in the City’s planning processes, constitutes a suitable and logical change in the plan for physical development of the City of Fremont, and is in the public interest~~ The proposed amendment furthers the public interest, convenience, and general welfare of the city because the site is suitable for residential development and future development of the property would be required to conform to applicable City standards and environmental mitigation measures. Furthermore, the General Plan Amendment constitutes logical change that advances General Plan goals and policies as enumerated in the staff report.

Packet page number 191, Condition of Approval No. 7 - Mitigation Measure Bio-1 is modified with the following language to reflect current Fish and Game Guidelines for potential impacts to burrowing owls. The Mitigation Monitoring and Report Program would also be modified accordingly:

7. **Mitigation Measure Bio-1:** Implementation of formal California Department of Fish and Wildlife Guidelines to avoid and minimize impacts to Burrowing Owls.
 - 4) If accidental take (disturbance, injury, or death of owls) occurs, the developer shall notify the California Department of Fish and Wildlife immediately.

If preconstruction surveys determine that Burrowing Owls occupy the site and avoiding development of occupied areas is not feasible, then habitat compensation on off-site mitigation lands should be implemented. Habitat Management (HM) lands comprising existing Burrowing Owl foraging habitat and breeding habitat ~~should~~ shall be acquired and preserved in consultation with the California Department of Fish and Wildlife. ~~An area of 6.5 acres (2.6) the~~ The amount of land found to be necessary to sustain a pair or individual owl) ~~should~~ shall be secured for each pair of owls, or individual in the case of an odd number of birds. As part of an agreement, the project applicant shall secure the performance of its mitigation duties by providing the California Department of Fish and Wildlife with security in the form of funds that would:

1. Allow for the acquisition ~~and/or preservation of 6.5 acres (2.6 ha) of HM lands;~~ of HM lands to the satisfaction of the California Department of Fish and Wildlife;

HOLD PUBLIC HEARING.

AND

RECOMMEND THAT THE CITY COUNCIL ADOPT THE DRAFT MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN AND FIND ON THE BASIS OF THE WHOLE RECORD BEFORE IT (INCLUDING THE INITIAL STUDY AND ANY COMMENTS RECEIVED) THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT.

AND

RECOMMEND THAT THE CITY COUNCIL FIND THAT THE PROPOSED GENERAL PLAN AMENDMENT FURTHERS THE PUBLIC INTEREST, CONVENIENCE, AND GENERAL WELFARE OF THE CITY BECAUSE THE SITE IS SUITABLE FOR RESIDENTIAL DEVELOPMENT AND FUTURE DEVELOPMENT OF THE PROPERTY WOULD BE REQUIRED TO CONFORM TO APPLICABLE CITY STANDARDS AND ENVIRONMENTAL MITIGATION MEASURES. FURTHERMORE, THE GENERAL PLAN AMENDMENT CONSTITUTES LOGICAL CHANGE THAT ADVANCES GENERAL PLAN GOALS AND POLICIES AS ENUMERATED IN THE STAFF REPORT.

AND

RECOMMEND THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT PLN2014-00194 ON THE SOUTH SIDE OF STEVENSON BOULEVARD, WEST OF STEVENSON PLACE TO CHANGE THE LAND USE DESIGNATION FROM GENERAL COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL, 14.6 TO 29.9 DWELLING UNITS PER ACRE, AS SHOWN ON EXHIBIT "B" (GENERAL PLAN AMENDMENT).

AND

RECOMMEND THAT THE CITY COUNCIL INTRODUCE AND WAIVE THE FIRST READING OF AN ORDINANCE APPROVING A REZONING FROM

PLANNED DISTRICT P-79-13 TO PLANNED DISTRICT P-2014-194, AS DEPICTED ON EXHIBIT "C" (PRELIMINARY PLANNED DISTRICT), BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "D."

The motion carried by the following vote:

AYES: 6 – Bonaccorsi, Dorsey, Jones, Leung, Pentaleri, Reed
NOES: 0
ABSTAIN: 0
ABSENT: 1 – Karipineni
RECUSE: 0

PUBLIC/ORAL COMMUNICATIONS

PUBLIC HEARING ITEMS

- Item 1. **AT&T HUB SITE - 39210 Fremont Boulevard - (PLN2014-00110)** - To consider a Conditional Use Permit to allow the installation of a new wireless telecommunication facility that would consist of a stealth 60-foot slim-line monopole designed to resemble a parking lot light standard with nine antennas and construction of a new 10-foot by 24-foot concrete block enclosure with outdoor equipment and 21 RRUs located in the Central Community Plan Area, and to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303, New Construction of Small Structures.

Chairperson Pentaleri opened the Public Hearing.

Patrick and Betty Sandoval, Argonaut Way resident, were concerned about radiation health hazards that they had learned about while researching the internet. Nearby school children's health could be affected, as well as pregnant women, babies and young children who lived on Argonaut. Property values would go down. Why did the location have to be in The Hub with so many people living around it? The City of Los Angeles had outlawed cell towers. People working at The Hub would also be affected. All of their neighbors on Argonaut were against this project, because of health concerns. If the City cared about the health of City's children and residents, this application would be denied. Documentation was distributed to the Commissioners.

Deputy City Attorney Rasiah stated that the documents should also be given to the applicant so that he could respond. He reminded the public that, under Federal law, the Telecommunications Act prohibited the City from denying or conditioning telecommunication projects based upon the radio frequency emit ions. The City would require compliance with FCC standards, which were already part of the Conditions of Approval.

Planning Manager Wheeler pointed out that an RF study had been prepared and was included in the staff report. This proposed site was within the FCC limits

Mr. Stillwell added that they were required to provide an EMF report by a qualified engineer, which had been done for both sites. He knew of no study that showed either a positive or negative affect on property values. Like water and sewer infrastructure, this service had become more vital to daily uses. As of 2013, 40 percent of households had abandoned their landlines and relied solely on wireless telecommunications. They had met both the City's and FCC's requirements.

Commissioner Reed asked if he knew of any studies that linked this kind of project to harming children or pregnant women.

Mr. Stillwell did not know of any studies. They had provided an EMF study, as the law required.

Chairperson Pentaleri closed the Public Hearing.

Commissioner Bonaccorsi noted that the EMF Standards had been set by the Federal Communications Act and the City's hands, as a local agency, were tied and were federally pre-empted, so that the real fight, if health issues were a concern, was to bring it up with Congress, unfortunately.

IT WAS MOVED (DORSEY/REED) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THE PLANNING COMMISSION – HOLD PUBLIC HEARING.

AND

FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15303 (NEW CONSTRUCTION OF SMALL STRUCTURES).

AND

FIND THE CONDITIONAL USE PERMIT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE COMMUNITY CHARACTER AND PUBLIC FACILITIES ELEMENTS OF THE GENERAL PLAN AS ENUMERATED WITHIN THE STAFF REPORT.

AND

FIND THE PROJECT, AS SHOWN ON EXHIBIT "A" (SITE PLAN, ELEVATIONS), FULFILLS THE APPLICABLE REQUIREMENTS AS SET FORTH IN THE FREMONT MUNICIPAL CODE.

AND

APPROVE CONDITIONAL USE PERMIT PLN2014-00110 AS SHOWN ON EXHIBIT "A," BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "B."

The motion carried by the following vote:

AYES: 6 – Bonaccorsi, Dorsey, Jones, Leung, Pentaleri, Reed
NOES: 0
ABSTAIN: 0
ABSENT: 1 – Karipineni
RECUSE: 0

Deputy City Attorney Rasiah announced that the above item could be appealed to City Council within ten days.

- Item 2. **AT&T TEMPORARY CELL TOWER - 39155 State Street- (PLN2014-00283) -**
To consider a Conditional Use Permit to allow the installation of a temporary 60-foot high wireless telecommunication facility (monopole) with six antennas and associated equipment located in the Central Community Plan Area, and to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303, New Construction of Small Structures.

Commissioner Leung asked if the height of this tower had a specific requirement. Was this height the same as what would be at The Hub? Did the height affect the RF emissions?

Mr. Stillwell answered that they were trying to achieve the same height as was now in effect at the CitiBank site. A 60-foot height was a standard that allowed the signal to be projected to keep the coverage objective to what it was, currently. Yes, 60 feet was the industry standard. Sometimes it was lower if roof-mounted. The height did not affect the radio frequency emissions. It had to do with how far the signal was cast; the lower the site, the smaller the coverage area.

Chairperson Pentaleri opened the Public Hearing.

Ed Haw, Fremont resident, asked if a 60-foot cloaking mechanism was available to make the visibility more palatable. He wanted it to be invisible, even if temporary.

Mr. Stillwell stated that temporary facilities, such as this one, they did not “stealth” it, like they would a permanent one. It may not be there for even one year. As soon as The Hub location was turned on, this one would come down. The parcel was rather large and he believed it would be minimally visible to the surrounding properties. It would be positioned behind an existing structure and trees would screen it from the south.

Commissioner Bonaccorsi asked if this was the same 12-month time horizon before it would be taken down or was there a different time horizon associated with it being temporary.

Mr. Stillwell replied that the temporary site would be up for no longer than 12 months or when The Hub site was turned on. The Hub site would be permanent with

a long-term lease. He hoped to co-locate this antenna on a four or five story building or he hoped to garner landlord support on other properties.

Principal Planner Morris added that with the City demolishing the CitiBank building, that wireless facility would also be unavailable. This was an eight, ten or twelve-month temporary solution. The Hub site was not the same problem. This temporary facility would be built, the CitiBank building would come down and the facility in The Hub would be built. Once the facility in The Hub was constructed, this facility would come down.

Mr. Stillwell said that a temporary facility could be built in a matter of days, whereas, the permanent facility at The Hub would take weeks to months to actually construct it.

Commissioner Dorsey asked if the tower could be lowered and how much would it affect the coverage. Could homes and businesses using mini cells alleviate the coverage problem?

Mr. Stillwell answered that the CitiBank height was about 55 feet and they wished to at least equate what was already there. So removing or lowering it would shrink the coverage and capacity area. The micro cells did not cover capacity issues; they allowed people to make calls from their homes. This particular area had capacity issues caused by the heavy traffic.

Vice Chairperson Jones clarified that a site would be at The Hub. When that temporary facility came down, another site would be needed to fill that coverage. In essence, there will be two permanent towers at some point down the road.

Mr. Stillwell agreed.

Chairperson Pentaleri asked if the application for The Hub site had been made before the CitiBank site was to come down.

Mr. Stillwell stated that he was correct. While working on The Hub site, AT&T had contacted him to tell him about CitiBank.

Commissioner Bonaccorsi asked, if assuming after 12 months no new deal had been struck, was there a provision that would authorize AT&T to extend the 12 months to, for example, 24 months, 36 months, 48 months and how would that process be handled by the Zoning Administrator or would it come back to the Planning Commission?

Mr. Stillwell said that a condition required that they would have to come back to the Commission.

Principal Planner Morris stated that Condition 9 was related to the lease and he believed that if was part of the lease agreement, if they needed to stay at the temporary location an extra month or two.

Deputy City Attorney Rasiah read from Condition 8: “Upon issuance of the CUP Certificate, the operation is permitted for a one year period from the action date of Planning Commission approval. The Planning Commission may extend the time limit if it granted additional extensions in accordance with wireless telecommunication ordinance and applicable law.”

IT WAS MOVED (BONACCORSI/DORSEY) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THE PLANNING COMMISSION – HOLD PUBLIC HEARING.

AND

FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15303 (NEW CONSTRUCTION OF SMALL STRUCTURES).

AND

FIND THE CONDITIONAL USE PERMIT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY’S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE COMMUNITY CHARACTER AND PUBLIC FACILITIES ELEMENTS OF THE GENERAL PLAN AS ENUMERATED WITHIN THE STAFF REPORT.

AND

FIND THE PROJECT, AS SHOWN ON EXHIBIT “A” (SITE PLAN, ELEVATIONS), FULFILLS THE APPLICABLE REQUIREMENTS AS SET FORTH IN THE FREMONT MUNICIPAL CODE.

AND

APPROVE CONDITIONAL USE PERMIT PLN2014-00283 AS SHOWN ON EXHIBIT “A,” BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT “B.”

The motion carried by the following vote:

AYES:	6 – Bonaccorsi, Dorsey, Jones, Leung, Pentaleri, Reed
NOES:	0
ABSTAIN:	0
ABSENT:	1 – Karipineni
RECUSE:	0

Deputy City Attorney Rasiah announced that the above item could be appealed to City Council within ten days.

The Commission agreed to hear the following Item 3 out of order after the other agenda items.

- Item 3. **WASHINGTON HOSPITAL PARKING GARAGE - 2000 Mowry Avenue - (PLN2014-00168)** - To consider a Conditional Use Permit Amendment to allow the relocation of a heliport, and a Design Review Permit for a new seven-level parking structure with rooftop heliport and a separate, approximately 2,600-square-foot office building located on the Washington Hospital campus adjacent to the Fremont BART Station in the Central Community Plan Area. A Final Environmental Impact Report (EIR) was previously certified for the Washington Hospital Healthcare System 2010 to 2030 Site Master Plan (SCH#2006112056) and no further environmental review is required.

Associate Planner Roth stated that the proposed office building was part of the design review, although it was a future project to be used by BART employees. Care had been taken for a more pedestrian interface with a courtyard and landscaping at the corner nearest the BART entrance, since it would be next to the BART station. The Applicant planned to seek City Council's adoption of a resolution approving the relocation of the heliport at a public hearing on July 8th, per the California Public Utilities Code.

Chairperson Pentaleri asked about the status of the office building, since there was little discussion in the staff report. Would this come back later with more detail?

Associate Planner Roth stated that it was shown on the floor and landscape plans. It was to be used for BART offices. The parking structure was to be built first with the separate office building to be built later.

Chairperson Pentaleri opened the Public Hearing.

Genaro Morales, architect with Watry Design, Inc., displayed elevations and stated that the parking structure would accommodate 650 stalls within seven levels with the helipad relocated from the ground to the top deck. A big concern was to maintain the project's budget. The office building at the corner would accommodate a satellite police office. This location was chosen to provide visibility and provide some presence right there next to the parking lot. These buildings would aesthetically fit within the current context of the existing hospital buildings. The parking garage would also provide parking for construction workers who would be building the tower at the hospital. The office site would not be left open for very long. Its construction would follow the parking structure construction soon thereafter.

BART would allow some use of their site to provide more efficient parking and would have the office building in return. Elevations showed existing surrounding buildings, along with the future parking structure, which was seen as a background building and would be of masonry and similar to the existing buildings. The towers, to be constructed in the future, would partially screen the view of the parking structure from BART Way. The landscaping would continue the current street pattern while traveling up BART Way. BART was reluctant to make the office building really obvious, so it would blend in with the surrounding area.

The Commissioners made comments and asked questions, as follows:

- **Commissioner Bonaccorsi** asked if any of the existing buildings had gone through City review. He knew that they all had gone through Office of Statewide Health Planning and Development. Those precast concrete walls were rather dreary. They certainly met the rhythm of the other buildings, but that rhythm was pretty dull, considering this location was at the beginning of the Downtown Area. Apparently, OSHPD did not consider this was something that was critical to their master plan review. So, was the Applicant required to come to the City for approval?

Mr. Morales stated that he was correct. OSHPD would not review this plan, because it was not an essential facility to the hospital; it was not a medical facility and they had suggested that it would be appropriate to obtain approval from the City.

Principal Planner Morris added that a new structure needed design approval from the City, since it was part of the development of the Central Business District.

- The first thing that people would see from BART Way was a parking garage that would obscure the rest of the hospital. This was a critical gateway for the rest of the City of Fremont to look at. It was a good for the hospital and he did not question the need for it, but as a functioning structure, it would not satisfy what he would like to see at this landmark area. If there was an unlimited budget, what would be done with the frontage to make it nicer?

Mr. Morales replied that two classifications were involved with parking structures, the inside and the outside, an open garage and an enclosed garage. If the garage were skinned, mechanical ventilation and lighting must be provided, which would not fit with what was already there.

- He was not asking to skin the whole building, but he wondered if something could be done to make the building more attractive from BART Way. Was there any reason to not skin just the frontage that faced the BART station?

It could be screened and it was costly; money spent for no functional reason.

- He knew that parking in the morning at BART was a frustration with people wanting to use the Washington Hospital parking lot. He understood that this beautiful parking garage was to be used exclusively by Washington Hospital employees of the future development of the hospital. Would anyone using BART be excluded?

Yes, it was basically for staff to use.

- How would that parking be enforced?

Gates would be at the entrance of the garage.

- **Vice Chairperson Jones** understood the constraints on the garage. Would the smaller building house BART police?

Partially. Two other BART departments would also use the building.

- They plan to disguise it in some way? They don't want to advertise that it is a BART Police substation?

His understanding was that they did not want a sign that said, "BART Police."

- **Chairperson Pentaleri** asked when the original campus buildings were built.

Ed Fay, Senior Associate Administrator for Washington Hospital, stated that the original three-story building was constructed in 1958 and it was located in the middle of the campus. The original buildings could not be differentiated, because they were all now interconnected. The six-story tower was constructed about 1974, which were cast in concrete. The two newer buildings had a metal panel finish.

- One of the points made in the staff report was that this parking structure was consistent with the existing campus, which was particularly unfortunate, given what the City was trying to do in the Downtown. And “a new seven-story critical care facility? We need to talk to you more.” He wanted to see something that would be consistent with the revitalization that the community was trying to achieve. He questioned that making the exterior of the building aesthetically attractive could have that much of a marginal impact to the overall cost of these projects. On his daily commute, he knew of a parking structure at Lawrence and 237 that was called Lawrence Station. It had articulation and color, although it was clearly a parking structure. He vigorously reinforced **Commissioner Bonaccorsi’s** comments.

Mr. Fay replied that the main project was a 229,000 square foot building that would be right in front of this garage that would face Civic Center Drive; the Emergency Room would be expanded to about five times its current size; critical care beds would be increased about two times. The building would have porches around the second floor with plantings. That’s where that part of the budget would be spent. That building would be taking a large section of what was now parking at the rear of the facility, which was the need for this garage.

- No one was questioning the need for the garage. He believed that it would take a marginal reallocation on behalf of the aesthetics.
- *Mr. Morales stated that the correct number of ADA stalls. Again, this is for staff and not for the public.*
- He assumed that they must be consistent with the same requirements that would be applied to any other project within the City.

Principal Planner Morris agreed.

- Two of the accessible spaces on the ground floor had charging stations. He asked if they were restricted for ADA access.

Mr. Morales stated. “Yes, the helipad was actually demountable.” It had been built as a permanent structure, but it could be removed and more parking would occur there.

- **Vice Chairperson Jones** asked if he understood correctly that another building would, eventually, be between BART and this parking structure.

Mr. Morales stated, “No.”

Mr. Fay added that the critical care facility would be in front of this structure towards Civic Center Drive.

- Were there any ways that one side, at least, could be disguised, such as had been done with the parking garage for Palo Alto Medical? It was on the street side and it did not look like a parking garage.

Mr. Morales asked if it was a mesh screening.

- He was not certain, but it was disguised in some way.

It went back to budget. Some of those meshes were very pricy. This huge façade could add up quickly.

John Rennels, BART Principal Property Development Officer, stated that the significance of this project could not be overemphasized relative to the BART system. This was the only medical facility close to their system with 110 miles of double track. The opportunity to have a regional trauma center and the modest office space would be online in the case of major events and would house BART Police, BART Transportation and BART Operations. A sign/shield would indicate BART Police, but they did not want to give the perception that it would be staffed 24/7. An Emergency Call Box to BART Central Command would be available. He expected that, with the shield and uniformed patrol officers in their patrol cars coming and going, the sense of safety and security would be enhanced. He had worked, personally, with Mr. Morales on the expanded garage at the Pleasant Hill transit village and it had won the Grand Award two years from the American Institute of Architecture, as well as, MTC awards.

The Commissioners asked the following questions:

- **Commissioner Reed** believed that the police station being readily identified would be a good idea, because of the deterrent effect.
Mr. Fay replied that, presumably, there would be a BART Police shield on the front of the building. It would not be staffed 24/7 and they did not want to give that impression to the public. However, personnel would be coming and going throughout the day.
- **Commissioner Bonaccorsi** assumed that BART Police had no jurisdiction over making arrests or investigating crime or any actions within the parking lot. Was its jurisdiction only over what happened on BART property?
He was correct; however, BART Police Officers were California sworn police officers and they could do anything anywhere they were patrolling.
- Wasn't the reason that their presence would be deemphasized was because they should not be seen as a line of first defense in maintaining security at the hospital?
It was a matter of semantics. The bottom line was that every station in every community had mutual response. While BART Police may not be the first order of security, the reality was that they expected to collaborate with their community partners.
- Would a series of protocols be put in place where, if some incident occurred in the parking lot, the first call would be made to the City of Fremont Police Department and not to call upon this station?
Of course. If an event occurred, notwithstanding whether BART Police were the first to be there, it would be a City of Fremont Police issue.
- **Vice Chairperson Jones** clarified that in an emergency situation, if someone called 911, they would get Fremont Police, they would not get BART Police. Fremont Police would respond, along with BART Police, if they were available and whoever got there first, typically Fremont Police, would take care of the situation. What it came down to was who would write the report.

Mr. Morales closed with stating that the building would be made of concrete, not exposed concrete. It would have a finish.

Chairperson Pentaleri closed the Public Hearing.

Commissioner Bonaccorsi noted that the Commission was being asked to do two things: approve the Conditional Permit and to approve a design review. He suggested that those be divided by allowing the construction to move forward, but have some review process to improve the design.

Chairperson Pentaleri concurred.

Planning Manager Wheeler stated that it sounded that there was some receptivity to possibly conditioning the Design Review Permit which would allow some modifications to the design to make it more aesthetically pleasing. Perhaps, the Commission could suggest a condition that would give staff the ability to review those changes prior to the issuance of a building permit.

Commissioner Bonaccorsi agreed with her suggestion.

Principal Planner Morris reminded that this project was not in the Downtown. He hoped “that my friends from the hospital - their ears are echoing, because we said the same things that you’re saying about architecture, about allowing BART patrons to park in there.” Every project included a give and take.

Vice Chairperson Jones asked that if it would be something that staff would review and it would not necessarily have to come back to the Commission.

Principal Planner Morris said that he was correct. If staff and the hospital did not agree, this would come back to the Commission.

Commissioner Bonaccorsi’s motion: APPROVE CONDITIONAL USE PERMIT AND TO APPROVE, CONDITIONALLY, THE DESIGN REVIEW PERMIT, SUBJECT TO FURTHER STAFF REVIEW RECOGNIZING THAT IT WAS NOT IN THE DOWNTOWN, BUT HAVING A SENSE OF PLACE AS A GATEWAY FROM THE FREMONT BART STATION.

IT WAS MOVED (BONACCORSI/REED) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THE PLANNING COMMISSION – HOLD PUBLIC HEARING

AND

FIND, BASED ON ITS OWN INDEPENDENT JUDGMENT, THAT THE PROJECT IS WITHIN THE SCOPE OF THE ENVIRONMENTAL IMPACTS ANALYZED IN THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE WASHINGTON HOSPITAL HEALTHCARE SYSTEM 2010 TO 2030 SITE MASTER PLAN CERTIFIED AND ADOPTED BY THE BOARD OF

DIRECTORS OF THE WASHINGTON TOWNSHIP HEALTH CARE DISTRICT ON SEPTEMBER 8, 2010 (SCH#2006112056), THAT NONE OF THE CONDITIONS REQUIRING A NEW SUBSEQUENT OR A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT STATED IN SECTION 21166 OF THE PUBLIC RESOURCES CODE OR IN SECTIONS 15162 AND 15163 OF THE CEQA GUIDELINES ARE PRESENT AS DESCRIBED IN THE STAFF REPORT, AND THAT THEREFORE NO FURTHER ENVIRONMENTAL REVIEW IS NECESSARY.

AND

FIND THAT THE CONDITIONAL USE PERMIT AMENDMENT (PLN2014-00168) IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN AS DESCRIBED IN THE REPORT. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS, AND POLICIES SET FORTH IN THE GENERAL PLAN LAND USE AND MOBILITY ELEMENTS ENUMERATED WITHIN THE REPORT.

AND

APPROVE THE CONDITIONAL USE PERMIT AMENDMENT (PLN2014-00168) AS SHOWN ON EXHIBIT "B," SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "C."

AND

FIND THAT THE DESIGN REVIEW PERMIT (PLN2014-00168) IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN, INCLUDING THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE LAND USE AND MOBILITY ELEMENTS OF THE GENERAL PLAN AS ENUMERATED WITHIN THE REPORT.

AND

APPROVE THE DESIGN REVIEW PERMIT (PLN2014-00168) AS SHOWN IN EXHIBIT "D," SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED IN EXHIBIT "E."

The motion carried by the following vote:

AYES: 6 – Bonaccorsi, Dorsey, Jones, Leung, Pentaleri, Reed
NOES: 0
ABSTAIN: 0
ABSENT: 1 – Karipineni
RECUSE: 0

- Item 5. **PALM AVENUE PLANNED DISTRICT - ±7-acre site located approximately 750 feet east of Palm Avenue and north of Interstate 680 - (PLN2014-00020)** - To consider a City-initiated Rezoning from R-1-10 (Single-Family Residence District) to Planned District P-2014-020 to facilitate the development of 31 single-family homes, and a General Plan conformance finding for the disposition of the City-owned property, and to consider a Draft Mitigated Negative Declaration prepared for the Planned District in accordance with the requirements of the California Environmental Quality Act (CEQA) and a Finding that the General Plan conformance finding is not a Project under Section 15378 of the CEQA Guidelines.

Notes and Corrections

Staff requests that the following corrections be included in the Staff Report and Planned District Regulations and Design Guidelines (Exhibit “D”): Page 6, is modified as follows:

Lot Width, ~~and~~ Depth and Frontage

The R-1-6 standard is 55 feet for lot width (65 feet for corner lots), ~~and~~ 100 feet for lot depth, and 35 feet for lot frontage. The irregular shape of the project site requires the construction of curved roadways and a cul-de-sac to efficiently organize the lots on the site. The curved roadways and cul-de-sac would create irregularly shaped lots, which make it difficult to achieve the required 55-foot lot width and frontage required on every parcel. The Planned District would permit lot widths of as low as 25 feet and lot frontages as low as 20 feet to accommodate the curved roadways. The reduction in minimum parcel width would apply to Lots 6-7, 9, 18-19, 21-25 and 31 ~~22-25~~, and the reduction in minimum street frontage would apply to lots 22-25, as shown in Exhibit “D”.

Page 9, is modified as follows:

Urban Runoff

The Municipal Regional Stormwater Permit (MRP) requires all new and redevelopment projects to incorporate measures to prevent pollutants from being conveyed in stormwater runoff and into the public storm drain system. Future development of the project site would be required to comply with the MRP by incorporating source controls and treatment measures into the project design. Since future development would involve creating or replacing more than one acre of impervious surface, mitigation for hydromodification would also be required. Area within the project site (Lots A-D, as shown in Exhibit “D”) would be reserved for facilities to treat stormwater and mitigate hydromodification.

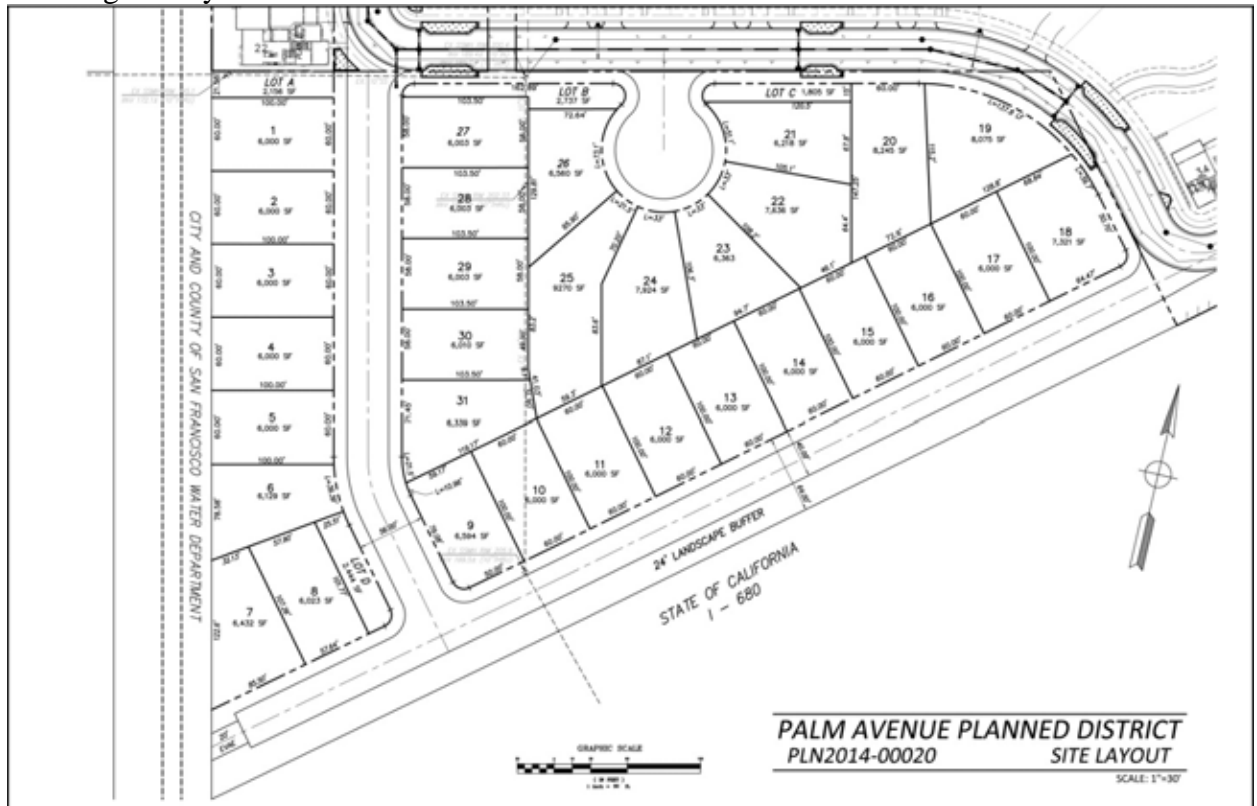
Exhibit “D” – Planned District Regulations and Design Guidelines:

Section III, “Provisions Listing Approved Exceptions and Modifications”, is modified as follows:

<i>Provisions for R-1-6 Residential Lots</i>		
Guideline	Recommended	Approved Under P-2014-020
Minimum Lot Width	55 feet	55 feet, except 25 feet for lots 22-25 <u>6-7, 9, 18-19, 21-25 and 31</u>
Minimum Street Frontage	35 feet	35 feet, except 25 <u>20</u> feet for lots 22-25
Minimum Front Yard Depth	20 feet	Garages: 20 feet Houses: 10 feet

Minimum Side Yard Depth (First Story)	Minimum 5 feet. Total 12 feet	Minimum 5 feet. Total 10 feet
Minimum Side Yard Depth (Second Story)	Minimum 6 feet. Total 15 feet	Minimum 6 ⁵ feet. Total 10 feet

Section V, "Site Layout", is modified to replace the existing site layout with the following site layout:



*Lots A-D are designated for stormwater treatment and hydromodification mitigation.

Wayland Li, Associate Planner, stated that this site was part of a larger 19.8-acre site owned by the City, which had been originally purchased to develop a community park with athletic fields. Subsequent to this purchase, the City acquired another property on Auto Mall Parkway near Pacific Commons that City Council determined was a superior site for athletic fields, because of its distance from residential users. Therefore, City Council designated approximately 7 acres of the site as surplus property and authorized the sale and disposition of the land to generate funds for initiatives in the Warm Springs and Downtown districts. They determined that the 13 acres of remaining land was sufficient to accommodate a community park without athletic fields. Staff initiated the current proposal to provide a more certain regulatory environment for potential buyers and to insure that future development would be consistent with the existing surrounding neighborhood, specifically, the Mission Creek Project. Exhibit D established regulations and design guidelines that would direct future development, such as site layout, lot sizes, setbacks, architectural

design, etc. The design review and tentative map would come before the Planning Commission for review.

Principal Planner Morris noted the Gold Sheet had some minor modifications.

The Commissioners asked the following:

- **Chairperson Pentaleri** asked the rationale for pursuing a planned district at this time, rather than waiting until the property came under different ownership.
Principal Planner Morris replied that it was to make it compatible to the adjacent properties. The Conditions of Approval spoke to architecture, design, what was typically seen in plans brought to the City. The Mission Creek design features were included in this planned district, which would also offer the future buyer much more certainty.
- This project would need to secure agreements with CalTrans regarding the construction of soundwalls. This seemed to be a speculative project. Why require the higher level of sound protection, at this time?
Planning Manager Wheeler explained that when looking at mitigation for an impact on CalTrans right-of-way, whether an intersection improvement or a soundwall, it could not be required as mitigation without CalTrans' approval. It was premature for the City to apply for an encroachment permit and obtain an approval.
- One could make the same argument that it was premature to waive the requirement.
On the Mission Creek Project, the City had not required the soundwall.
- **Vice Chairperson Jones** asked if this parcel was still owned by the City. Where did the diagram for the lot layout come from?
Associate Planner Li stated that he was correct. City staff had produced it to determine what the density could be on the site.
- Lots 20–25, on the cul-de-sac would have a 20-foot frontage, which was less than the width of a two-car driveway.
A 20-foot driveway was fairly typical.
Principal Planner Morris added that this was not abnormal. The detailed plans in many planned districts were not itemized out regarding driveways, as this one had been.
- Could what was eventually constructed be something completely different or would they have to go by these guidelines?
They would have to go by the guidelines, unless they decided to come before Planning Commission and City Council to change them. The future developer would know that 31 lots were planned, with the dimensions of the lots and the architectural style that was expected.
- **Commissioner Bonaccorsi** asked if any applicant could come in with a proposed major amendment to the planned district.
Principal Planner Morris agreed that it could happen.
- Had the City made a determination of what it believed was surplus property, first, rather than the density?

What the City tried to do was to make lots compatible with the future Mission Creek subdivision within seven acres that the City did not need.

Chairperson Pentaleri opened the Public Hearing.

Al Minard, former HARB member, stated that this property had been part of a historic farm and it still had a historic barn structure and a 1950s ranch-style house on it, which, at more than 50 years old, qualified to be reviewed by HARB. The view corridors were pretty important, because this was a historic farm. This property had originally been purchased by the City with development funds that were generated from developers who paid an in lieu fee when they had not included a park within their projects. It seemed that the parkland should include the whole parcel. It was originally bought for parkland and it should stay parkland. What was planned for the historical element, the old barn and the '50s style ranch house?

Chris Cavette, Castillego Court, expressed concern about the chicken and egg question. The lot size and layout and street layout had been decided by the City without plans with housing elevations and architecture. He understood that Staff was attempting to duplicate a different development that had been approved by a different Planning Commission and different City Council. Approval would include soundwalls and, to an extent, approval of the architecture without ever seeing it and without the public being able to see it. He questioned whether this topic should move forward at this time.

Principal Planner Morris replied that design review of the homes would be brought before the Commission with the map. The City had experts in house and they went no further than the laying out of the lots, which were "the bones of the project."

Commissioner Bonaccorsi asked if a factor in this decision to create this site was to facilitate the sale and would bring back a better return on an investment.

Principal Planner Morris agreed. The City was trying to give a developer certainty.

Planning Manager Wheeler said that they could have a look at the details, as well.

Vice Chairperson Jones commented that Mr. Cavette's concern had been addressed. When a development came, eventually, to the City, the elevations, etc., would have to be approved by the Planning Commission and the public would have an opportunity to make comments before it moved forward.

Commissioner Bonaccorsi asked about the point raised by former HARB member Minard about the fact that park funds had been used to purchase that property, so, in fact, the City had transformed that asset from park development to some other residential development and that stream of park development money had been lost. Why was there no requirement to equalize that funding for some other parkland acquisition?

Deputy City Attorney Rasiah replied that the parkland abandonment process had already occurred, as stated in the staff report. The City Council had already adopted a resolution in June, 2013 to go through the formal abandonment process, as required by State law. He believed that park land near Quarry Lakes had been designated to replace this site.

Commissioner Dorsey asked if the farmhouse and barn had been evaluated by HARB.

Associate Planner Li stated that the project site had no buildings on it. They were on the remaining 13 acres that would be still reserved for park land.

Chairperson Pentaleri closed the Public Hearing.

IT WAS MOVED (LEUNG/JONES) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THE PLANNING COMMISSION – HOLD PUBLIC HEARING.

AND

FIND THAT THE ADOPTION OF A GENERAL PLAN CONFORMANCE FINDING FOR THE DISPOSITION OF THE PROJECT SITE IS NOT SUBJECT TO THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) BECAUSE IT DOES NOT MEET THE DEFINITION OF A PROJECT SPECIFIED IN SECTION 15378 OF THE CEQA GUIDELINES.

AND

FIND THAT THE LOCATION, PURPOSE AND EXTENT OF THE DISPOSITION OF THE PROJECT SITE ARE IN CONFORMANCE WITH THE RELEVANT PROVISIONS OF THE GENERAL PLAN AS DESCRIBED IN EXHIBIT “A”. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS, OBJECTIVES AND POLICIES SET FORTH IN THE GENERAL PLAN’S LAND USE AND HOUSING ELEMENTS, AS ENUMERATED IN THE STAFF REPORT.

AND

RECOMMEND THAT THE CITY COUNCIL ADOPT THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM AS SHOWN ON EXHIBIT “B”, AND FIND ON THE BASIS OF THE WHOLE RECORD BEFORE IT (INCLUDING THE INITIAL STUDY AND ANY COMMENTS RECEIVED) THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND THAT THE MITIGATED NEGATIVE DECLARATION REFLECTS THE INDEPENDENT JUDGMENT AND ANALYSIS OF THE CITY OF FREMONT.

AND

RECOMMEND THAT THE CITY COUNCIL FIND THAT PLANNED DISTRICT P-2014-020, AS SHOWN IN EXHIBIT “C” (REZONING EXHIBIT) AND EXHIBIT “D” (PLANNED DISTRICT REGULATIONS AND DESIGN GUIDELINES) ARE IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY’S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS, OBJECTIVES AND POLICIES SET

FORTH IN THE GENERAL PLAN'S LAND USE, COMMUNITY CHARACTER, CONSERVATION, SAFETY AND MOBILITY ELEMENTS AS ENUMERATED IN THE STAFF REPORT.

AND

RECOMMEND THAT THE CITY COUNCIL FIND THAT PROVIDING AN OUTDOOR LDN OF 60 DB(A) OR LOWER CANNOT BE ACHIEVED AT SOME REAR YARD LOCATIONS WITHIN THE PROJECT SITE AFTER THE APPLICATION OF APPROPRIATE MITIGATIONS, AND THAT AN LDN OF 65 DB(A) IS AN ACCEPTABLE MAXIMUM REAR YARD NOISE LEVEL FOR THIS PROJECT.

AND

RECOMMEND THAT THE CITY COUNCIL FIND THAT THE PLANNED DISTRICT REZONING MAP, REGULATIONS, AND DESIGN GUIDELINES, AS DEPICTED IN EXHIBIT "C" (REZONING EXHIBIT) AND EXHIBIT "D" (PLANNED DISTRICT REGULATIONS AND DESIGN GUIDELINES) FULFILL THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE.

AND

RECOMMEND THAT THE CITY COUNCIL INTRODUCE AN ORDINANCE APPROVING A REZONING FROM R-1-10 (SINGLE-FAMILY RESIDENCE DISTRICT) TO PLANNED DISTRICT (P-2014-020), AS DEPICTED IN EXHIBIT "C" (REZONING EXHIBIT), AND ADOPTING PLANNED DISTRICT REGULATIONS AND DESIGN GUIDELINES, AS SHOWN IN EXHIBIT "D" (PLANNED DISTRICT REGULATIONS AND GUIDELINES), SUBJECT TO THE FINDING IN EXHIBIT "E" (PLANNED DISTRICT FINDING).

AND

RECOMMEND THAT THE CITY COUNCIL DIRECT STAFF TO PREPARE AND THE CITY CLERK TO PUBLISH A SUMMARY OF THE ORDINANCE.

The motion carried by the following vote:

AYES: 6 – Bonaccorsi, Dorsey, Jones, Leung, Pentaleri, Reed
NOES: 0
ABSTAIN: 0
ABSENT: 1 – Karipineni
RECUSE: 0

- Item 6. **STEVENSON BOULEVARD CITY-OWNED PARCEL - (PLN2014-00198)** - To consider a General Plan Amendment to change the land use designation of a 2.32-acre City-owned parcel from Open Space to Medium Density Residential, 14.6 to 29.9 dwelling units per acre, and a Rezoning from Open Space to Preliminary Planned District, P-2014-198; and to consider a Mitigated Negative Declaration prepared for the project in accordance with the requirements of the California Environmental Quality Act (CEQA).

Notes and Corrections

Staff requests that the following corrections be included in the **Staff Report**: The following text is added to packet page 361, as a new paragraph under “Public Notice and Comment”:

On June 9, 2014, staff received a comment letter from Caltrans regarding the Mitigated Negative Declaration. The Caltrans comment letter and City response are attached to the Gold Sheet.

Staff requests that the following corrections be included in the **Findings and Conditions of Approval**:

Exhibit “D” Findings and Conditions of Approval for PLN-2014-00198 is modified as follows:

Conditions of Approval: The following revision to packet page number 373, General Plan Amendment finding no. 1 reflects a recent change to the FMC:

1. ~~The General Plan Amendment conforms with and contains the requirements provided for in the City’s planning processes, constitutes a suitable and logical change in the plan for physical development of the City of Fremont, and is in the public interest~~ The proposed amendment furthers the public interest, convenience, and general welfare of the city because the site is suitable for residential development and future development of the property would be required to conform to applicable City standards and environmental mitigation measures. Furthermore, the General Plan Amendment constitutes logical change that advances General Plan goals and policies as enumerated in the staff report.

Packet page number 375, Condition of Approval No. 7 - Mitigation Measure Bio-1 is modified with the following language to reflect current Fish and Game Guidelines for potential impacts to burrowing owls. The Mitigation Monitoring and Report Program would also be modified accordingly:

7. **Mitigation Measure Bio-1:** Implementation of formal California Department of Fish and Wildlife Guidelines to avoid and minimize impacts to Burrowing Owls.

- 4) If accidental take (disturbance, injury, or death of owls) occurs, the developer shall notify the California Department of Fish and Wildlife immediately.

If preconstruction surveys determine that Burrowing Owls occupy the site and avoiding development of occupied areas is not feasible, then habitat compensation on off-site mitigation lands should be implemented. Habitat Management (HM) lands comprising existing Burrowing Owl foraging habitat and breeding habitat ~~should~~ shall be acquired and preserved in consultation with the California Department of Fish and Wildlife. ~~An area of 6.5 acres (2.6) the~~ The amount of land found to be necessary to sustain a pair or individual owl) ~~should~~ shall be secured for each pair of

owls, or individual in the case of an odd number of birds. As part of an agreement, the project applicant shall secure the performance of its mitigation duties by providing the California Department of Fish and Wildlife with security in the form of funds that would:

1. Allow for the acquisition ~~and/or preservation of 6.5 acres (2.6 ha) of HM lands;~~ of HM lands to the satisfaction of the California Department of Fish and Wildlife;

David Wage, Associate Planner, explained that the surrounding uses included the Union Pacific railway to the west; Stevenson Boulevard and an undeveloped parcel designated for medium density residential uses to the north; an undeveloped parcel, currently a planned district and designated for business park uses, was located to the east; and a City fire station to the south. This parcel was originally purchased by the City as part of a 51-acre site with the surrounding area being developed as a golf range. In 2012, consultant CBRE identified this parcel as one of ten potential sites for sale and disposition. In 2013, City Council adopted a resolution that directed staff to proceed with a sale and disposition, as well as, initiating a General Plan Amendment and rezoning to facilitate its future development. No specific development proposal existed at this time. A future precise plan would be required, which would come before Planning Commission and City Council.

Chairperson Pentaleri asked the following questions:

- What was the width of the portion of the site along Stevenson Boulevard as shown on the site plan?
Principal Planner Morris guessed that it was 80 to 100 feet.
- Regarding the Union Pacific railway, the staff report stated that the Federal Transit Administration had established significance criteria of 80 BDB when measuring the vibration level of an engine pass-by for infrequent events and 72 BDB for frequent events. There was no discussion regarding the line between frequent and infrequent events. What constitutes frequent versus infrequent?
Associate Planner Wage said that a noise and vibration consultant helped to prepare the analysis completed for the project.
- He had clearly concluded that, at current usage levels, the rail use was infrequent. Today, they were used infrequently; therefore, the minimum setback should be 80 feet from the center line of the Union Pacific rail line for vibration levels to be kept below that higher threshold. Was there any assurance that the use of these rails would continue to be below that threshold and was it appropriate to only require a setback that met that threshold?
Principal Planner Morris stated that this was not the first project along this rail corridor; the Shannon Townhouse project had just been approved. The same analysis used before was used here.
Planning Manager Wheeler added that when doing the environmental analysis, the existing conditions needed to be taken into consideration and assumptions could not be made about the future.

- Conversely, since assumptions could not be made, the lower criterion might not necessarily protect future occupants. As long as traffic was infrequent, it was appropriate to allow that higher vibration level. In his opinion, if there was no assurance of infrequent use of these rails, then the higher level of protection should be defaulted to until there was evidence that the lower level of protection was acceptable.

***Principal Planner Morris** pointed out that it was difficult to do planning that way. A parcel would be developed today or tomorrow and if assumptions were not based on today, then it would be difficult when using the future. This process was used all the time; the City would do the General Plan Amendment first so that everyone would understand that the General Plan was going to be changed. It was in the City's interest to have some certainty on the parcel and put some parameters around it for a developer. Every developer up and down Mission Boulevard had had the same issue with the rail line and had a 60 or 80 foot setback.*

***Planning Manager Wheeler** stated further that when considering assumptions, there could be a different technology around rail in a few years that would result in less impact to the residents in a similar way that **Chairperson Pentaleri** was assuming it could be worse for residents in the future. The noise analysis also looked at a worst case scenario.*

- **Commissioner Leung** asked why this was different from the previous item. Was this because the General Plan Amendment must be made first before going to the second step?

***Principal Planner Morris** stated that she was correct. The City did not want to put a plan on a piece of property that may not satisfy a future developer or purchaser.*

Chairperson Pentaleri opened and closed the Public Hearing.

IT WAS MOVED (BONACCORSI/LEUNG) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THE PLANNING COMMISSION – HOLD PUBLIC HEARING.

AND

RECOMMEND THAT THE CITY COUNCIL ADOPT THE DRAFT MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN AND FIND ON THE BASIS OF THE WHOLE RECORD BEFORE IT (INCLUDING THE INITIAL STUDY AND ANY COMMENTS RECEIVED) THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT.

AND

RECOMMEND THAT THE CITY COUNCIL FIND THAT THE PROPOSED GENERAL PLAN AMENDMENT FURTHERS THE PUBLIC INTEREST, CONVENIENCE, AND GENERAL WELFARE OF THE CITY BECAUSE THE SITE IS SUITABLE FOR RESIDENTIAL DEVELOPMENT AND FUTURE DEVELOPMENT OF THE PROPERTY WOULD BE REQUIRED TO CONFORM

TO APPLICABLE CITY STANDARDS AND ENVIRONMENTAL MITIGATION MEASURES. FURTHERMORE, THE GENERAL PLAN AMENDMENT CONSTITUTES LOGICAL CHANGE THAT ADVANCES GENERAL PLAN GOALS AND POLICIES AS ENUMERATED IN THE STAFF REPORT.

AND

RECOMMEND THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT PLN2014-00198 ON THE SOUTH SIDE OF STEVENSON BOULEVARD, WEST OF STEVENSON PLACE FROM OPEN SPACE (CITY PARK) TO MEDIUM DENSITY RESIDENTIAL, 14.6 TO 29.9 DWELLING UNITS PER ACRE AS SHOWN ON EXHIBIT "B" (GENERAL PLAN AMENDMENT).

AND

RECOMMEND THAT THE CITY COUNCIL INTRODUCE AND WAIVE THE FIRST READING OF AN ORDINANCE APPROVING A REZONING FROM O-S, OPEN SPACE TO PLANNED DISTRICT P-2014-198, AS DEPICTED ON EXHIBIT "C" (PRELIMINARY PLANNED DISTRICT), BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "D."

The motion carried by the following vote:

AYES: 6 – Bonaccorsi, Dorsey, Jones, Leung, Pentaleri, Reed
NOES: 0
ABSTAIN: 0
ABSENT: 1 – Karipineni
RECUSE: 0

DISCUSSION ITEMS

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.

Principal Planner Morris announced that the next meeting would be held on June 26, 2014.

- Report on actions of City Council Regular Meeting

None.

- Information from Commission: Commission members may report on matters of interest.

Commissioner Bonaccorsi stated that the mixer had been attended only by the Commissioner sitting to his right. Close to 90 people attended.

Commissioner Leung added that they did not have enough space and food to accommodate any more people, anyway.

Meeting adjourned at 9:25 p.m.

SUBMITTED BY:



Alice Malotte
Recording Clerk

APPROVED BY:



Wayne Morris, Secretary
Planning Commission